IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.282 OF 2004

Sundaram Enterprise ... Petitioners

v/s

Sunil Rajkumar Bajaj and anr. ... Respondents

Mr V. Bobde i/b Mr G.C. Mohanty for Petitioners.

Mr A.R. Mehra for Respondents.

CORAM : D.K.DESHMUKH J.

DATE : 2ND AUGUST 2004

P.C.: -

1. By this petition, the petitioners challenge an award made by the Arbitral Tribunal of the Theatre Owners Association. The first challenge to the award is that because the petitioners resigned membership of the Theatre Owners Association in March 2003, the said Association has no jurisdiction to entertain the complaint. Perusal of the agreement between the parties dated 13th February 2001 shows that by agreement between the parties, the Theatre Owners Association was appointed as Arbitrators. Therefore, even assuming that the petitioners have resigned the membership of that Association, it will not be relevant for deciding the jurisdiction of the Arbitrators. The second challenge is that in the earlier award, claims made under bill Nos.101, 105 and 108 were awarded and therefore, they cannot be subject matter of the present arbitration. The petitioners have not produced the earlier award, however, the learned counsel for respondents has produced before me the statement of claim in the earlier proceedings. That shows that bills from 15th September 2001 i.e. bill No.17 till 27th October 2001 i.e. bill No.97 were subject matters of the earlier proceedings.

These bills are not the subject matter of present proceeding. The bills which are subject matter of present proceeding appear to be for subsequent period. I do not find that the petition can be entertained under section 34 of the said Act. Petition is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary as true copy.

. Certified copy expedited.